

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DANNY A. WITTEN,)
)
Petitioner,)
)
vs.) No. CIV-09-1032-C
)
COMANCHE COUNTY SHERIFF,)
)
Respondent.)

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on October 29, 2009. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and the petition for writ of habeas corpus is dismissed without prejudice for Petitioner's failure to exhaust state court remedies.

IT IS SO ORDERED this 23rd day of November, 2009.


ROBIN J. CAUTHRON
United States District Judge